

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rule making related to targeted small business certification duties and technical changes and providing an opportunity for public comment

The Department of Inspections and Appeals hereby proposes to amend Chapter 1, “Administration,” to rescind Chapter 25, “Iowa Targeted Small Business Certification Program,” and to amend Chapter 30, “Food and Consumer Safety,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 10A.104(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 10A.104(5) and 22.11 and 2017 Iowa Acts, chapter 160 (House File 621).

Purpose and Summary

This proposed rule making implements changes made in 2017 Iowa Acts, chapter 160 (House File 621), which transfers responsibility for the certification of targeted small businesses from the Department of Inspections and Appeals to the Iowa Economic Development Authority. The Iowa Economic Development Authority’s administrative rules, which can be found in 261—Chapter 52, are related to the certification of targeted small business and became effective February 21, 2018. As a result, Chapter 25 of the Department’s rules is being rescinded. This rule making also eliminates other references to the targeted small business certification program found in Chapters 1 and 30.

Additionally, two other technical changes are proposed in this rule making. A reference to home food establishments is changed to home bakeries, which is consistent with changes made by the Iowa General Assembly in 2016, and an outdated reference to the inspection of egg handlers is removed as this function was transferred to the Iowa Department of Agriculture and Land Stewardship by the Iowa General Assembly during the 2011 session.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. These amendments are technical in nature and remove obsolete references.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 20, 2018. Comments should be directed to:

Director
Department of Inspections and Appeals
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319-0083
Fax: 515.242.6863
Email: david.werning@dia.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 481—1.3(10A) as follows:

481—1.3(10A) Administration division. This division provides administrative support to the department, including fiscal, policy and planning, information technology, and public information. This division negotiates and provides oversight for compacts entered into between the state of Iowa and Indian tribes located in the state. ~~The division certifies targeted small businesses.~~ The division also inspects and licenses the following entities:

1. Social and charitable gambling pursuant to Iowa Code chapter 99B;
2. Food establishments, including but not limited to restaurants, vending establishments, and mobile food units;
3. ~~Hotels, home food establishments, and egg handlers~~ and home bakeries;
4. Inspections for sanitation in any locality of the state upon written petition of five or more residents of the locality.

ITEM 2. Rescind and reserve **481—Chapter 25**.

ITEM 3. Amend rule 481—30.1(10A,137C,137D,137F), introductory paragraph, as follows:

481—30.1(10A,137C,137D,137F) Food and consumer safety bureau. The food and consumer safety bureau inspects food establishments and food processing plants including food storage facilities (warehouses), home bakeries, food and beverage vending machines, and hotels and motels. The food and consumer safety bureau is also responsible for social and charitable gambling and amusement devices. Separate chapters have been established for the administration of ~~targeted small business certification (481—Chapter 25)~~, social and charitable gambling (481—Chapters 100 to 103, 106, and 107), and amusement devices (481—Chapters 104 and 105).